



WESTERN WEBER COUNTY TOWNSHIP PLANNING COMMISSION

PLANNING MEETING AGENDA

May 08, 2012
5:00 p.m.

1. Minutes: Approval of the March 13, 2012 and April 10, 2012 meeting minutes

2. Public Comments:

3. Planning Commissioner's Remarks:

4. Staff Communications:

4.1. Planning Director's Report:

4.2. Legal Counsel's Remarks:

Adjourn: Adjourn for a Work Session

5. Work Session Agenda Items:

WS.1. ZTA-2012-04 Amendments to the Weber County Zoning Ordinance Chapter 32 (Signs), Chapter 1 (General Provisions) regarding the provisions for temporary signage including political signs

WS.2. Update &
Discussion Agri-Tourism

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center,

1st Floor, 2380 Washington Blvd., Ogden, Utah. Work Session may be held in the Breakout Room.

A pre-meeting will be held in Room 108 beginning at 4:30 p.m. – No decisions are made in this meeting



2. Agriculturally Related Uses/Activities:

c. Multi-Farmer Open Air (Farmer's Market) i.

The Western Weber Planning Commission suggested not limiting on the time on those months, but let the weather conditions determine the time frame.


3. Non-Agriculturally Related Use/Activities:

d. Gift Shop (Retail) The Ogden Valley suggested that (Market Garden, Family Farm, Small Farm) be limited down to 200 square feet maximum. The Western Weber Planning Commission agreed with them on that.

46-8 Signs: This is good as it stands. Mr. Mendoza suggested that they work with the State Tourism Office and ask them to spearhead creating Agri-Tourism Signs because at this conference they were talking about creating an Agri-Tourism Association. The Diversified Agriculture Conference they presented and he went out there and told them what the Planning Commission has been working on and there is a lot of positive interest. Monty Davis with Agri-Utah approached us and asked us if we would be willing to be interviewed for an article in that magazine and that becomes available they will share that.

WS.2. Adjourn: The meeting was adjourned at 7:00 p.m.

Respectfully Submitted,



Kary Serrano, Secretary,
Weber County Planning Commission

Minutes of the Western Weber County Planning Commission held March 13, 2012, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Roll Call.

Present: Doug Hansen, Chair; Wayne Andreotti; Brenda Meibos; Andrew Favero; Janette Borklund; Ryan Judkins; John Parke

Excused/Absent:

Staff Present: Robert Scott, Planning Director; Justin Morris, Planner; Sean Wilkinson, Planner; Kary Serrano, Secretary

Pledge of Allegiance

Roll Call:

1. **Minutes:** Approval of the February 14, 2012 meeting minutes

MOTION: Chair Hansen declared the meeting minutes approved as written.

2. **Consent Agenda:**

- 2.1. **DR2012-02:** Consideration and action for approval of a site plan of a large accessory building located at 3071 S 3500 W in the Agricultural A-2 Zone (Val Sanders, Applicant)

MOTION: Commissioner Favero moved to approve consent agenda item DR2012-02. Commissioner Meibos seconded the motion. A vote was taken and Chair Hansen said the motion carried with all members present voting aye. Motion Carried (7-0).

3. **Petitions, Applications and Public Hearings:**

Old Business:

- 3.1. **ZO-2010-10:** Consideration and action for approval of staff amendments to the Weber County Zoning Ordinance Chapter 1 (General Provisions), Chapter 9-A (Shoreline Zone (S-1), Chapter 23 (Supplementary and Qualifying Regulations), Chapter 24 (Parking and Loading Space, Vehicle Traffic and Access Regulations), Chapter 29 (Board of Adjustment), Chapter 31 (Administration), and Chapter 36-B (Hillside Development Review Procedures and Standards) regarding the Weber Board of Adjustment.

Sean Wilkinson reviewed the staff report and indicated that both Planning Commissions have reviewed this with recommendations and they have taken this to the Board of Adjustment where they had a couple of issues that needed clarification. The Board made some minor changes to Chapter 23 Special Exceptions and after talking to our Legal Counsel, we are recommending that the language stays as it is. The next issues was the Special Exceptions that was moved to Chapter 23, that include Flag Lots, access by Private Right of Way, and access at a location than across the front lot line. These were listed separately but now have created a section that governs the technical requirements and they met with the Fire District and Engineering Division and updated those technical standards. Along with that they made a change that goes along with the Agri-Tourism Ordinance and they have now included agricultural parcels that have bonafide agricultural uses can have access by a private right of way rather than requiring frontage on a road.

Sean Wilkinson said in addition to that, there are some changes to Chapter 1, Chapter 36B, Chapter 9A, and Chapter 24, they made several amendments. In Chapter 1, in Section 1-1 they have added appeal authority rather than Board of Adjustment because they have more than one appeal authority in the county and they have amended the definition of appeal authority to comply with that. In Section 1-4 this has been changed to the Board of Adjustment, so if there is an issue that needs clarification and that should go to the Board and give an interpretation and you can take that interpretation and apply it. They have amended the definitions and added Land Use Authority and these changes will help to make it clear who is the land use authority and who is the appeal authority. In Chapter 9A, they have amended the language to indicate that the County Engineer should be the authority in that case. In Chapter 24, this has been changed to Land Use Authority and they are proposing that staff will be the Land Use Authority over those decisions. If someone wanted to appeal on one of those special exceptions, that appeal would go to the Board of Adjustment. Those are the changes that were not in the last meeting.

Commissioner Favero asked all the language that has been crossed out, then it's going to be taken from Chapter 29, and is that sort of a streamline of that chapter. Mr. Wilkinson replied yes all the language that is crossed out will be removed, it is and the purpose was to bring that chapter into conformance with state code, that is why they have added certain things like the variance and appeal section and they completely removed the special exceptions because state code does not mention that as far as the Board of Adjustment goes, it's strictly variances and appeals.

Chair Hansen asked if we wanted as a county to put in exceptions, we still could or do they still have to maintain with state code. Mr. Wilkinson replied as far as the actually criteria, it is best to stick with the state code, what way there is no question as to who is governing the state or county language there, and if they start getting away from that, it just opens up some legal issues that they don't want get into. In the language, it basically addresses the state criteria but it wasn't specific and they wanted to make sure that they were inline and it now follows state code.

Chair Hansen asked do you want to talk about the finish surface on the road as mentioned. Mr. Wilkinson replied the Ogden Valley Planning Commission heard this a few weeks ago, their only recommendation was that we define finished surface. Their question was is the finished surface concrete, asphalt, road base, gravel, or what. We informed them that it could be any of those things as long as they meet the standards that they have to meet. So they asked us to further clarify that, so that there is not a specific surface that has to be, but whatever surface it is has to meet the technical requirements. So they will do that and present that to the County Commission.

MOTION: Commissioner Borklund moved to recommend to the County Commissioners as stated with the proposed changes as mentioned as by staff. Commissioner Andreotti seconded the motion. A vote was taken and Chair Hansen said the motion carried with all members present voting aye. Motion Carried (7-0)

New Business

- 3.2. LVA052610:** Consideration and action for revised preliminary approval of the Allen Horseplay Cluster Subdivision (13 Lots), within the Agricultural A-1 Zone located at approximately 2200 S 3500 W (Vaughn Allen, Applicant)

Justin Morris reviewed the staff report and said this was previously brought before at 13 lots, the new configuration combines two lots and moves the access over, reduces the sizes of the lots, and also removes this access here, in addition the internal lot-lines configuration and removal of one lot, they are proposing a phasing plan with Phase 1 including Lots 1-7 and the entire open space, and Phase 2 would be Lots 8-13. All the reviewing agencies have responded with no significant concerns. Staff recommends approval of the phasing plan and the revised preliminary.

Commissioner Judkins asked can you explain to me on this cluster subdivision, what is the total amount of acres. They want to put in 13 lots and one acre minimum, but how much open space is left on that. Mr. Morris replied the total amount of acres is 12.67 acres and that's 40,000 sq. ft for that, and 30% open space is required so it's about 47% of the total area of the subdivision and the minimum required in the agricultural zone is 30%. As far as the numbers derived is 40,000 sq. ft and there are some bonuses that are associated with cluster subdivision, so they do get a little more than the number of lots that would be allowed if this were to be divided up into 40,000 sq. ft. lots.

Bruce Nilson, Contractor, representing applicant, said he was totally not prepared but when he met Mr. and Mrs. Allen on this, they informed him that they were letting go of this one access here and instead of having two accesses they would just have one. That was the only discussion that they gave to him, and he didn't have a lot of information to offer but he might be able to answer some of your questions.

Commissioner Favero asked if he had any idea what the reasons for the changes were. Mr. Nilson replied he is modifying a lot of the areas where the animals are now out and wondering around, so he felt if this one access was bigger and more isolated and didn't want to because he is modifying a lot of the arena areas. That was the explanation given to him.

Commissioner Borklund asked this access here is the one that they are actually using that now. Mr. Nilson replied yes, they are actually using this access and that access now, and what Mr. Allen was saying that this access would close and become a part of the lot in Phase 2.

Commissioner Judkins asked right now there are the two accesses on the right side of the three accesses, as indicated on the picture in the wall is that correct. Mr. Nilson replied if he was talking about this one and that could be, but he was just focused on these two accesses. As far as the plat would be concerned if you approve it, the only access would be right there.

Commissioner Favero asked does one access meet the requirements for fire protection for the larger buildings there in the center of the subdivision. Mr. Morris replied if it doesn't, they would have to revise it and he had not heard anything back from the Fire Marshall, and he would get with them to see if one access would suffice.

Commissioner Meibos asked do these building that he uses to house horses and things like that, is that something that people outside the subdivision would rent and so that is the access to those buildings right there, so is it wide enough for two, if one is coming out and one going in. Mr. Morris replied the way this was explained all that the public use portion would go in and this was the sole benefit of the lot owners. He was not sure if the applicant had changed his mind on that and he would make sure there was more clarification on that before it would go for final and as far as he was aware these amenities were for the sole benefit of the people living there and not for the public any more. It wouldn't be a public riding arena as it is now.

Commissioner Favero asked do all of the lots have property rights or ownership of the open space. Mr. Morris replied the way the subdivision ordinance in the cluster subdivision state law reads now they would ultimately end up in common ownership with it being maintained by the HOA.

Commissioner Parke asked don't they need to find out about the riding arena and whether or not he would be using that under the public or if that would be limited to those that actually resided in the subdivision, this needs to be addressed as it does have an impact on that. Chair Hansen replied it does and they didn't know what was happening on that part of it. Mr. Nilson added with seven lots especially, and he didn't know with the six when and if they would be developed because his involvement would be with the seven lots. He has never eluded that the public portion would not continue on, and the thought that this would be a cluster subdivision and there would only be 13 owners and that would have a lot more capacity and he thinks the applicant would like to utilize that.

Commissioner Parke said he would be more inclined if it's going to be a public facility to have two entrances to it and if it's just the homeowners involved than one is fine. We need an answer to that before we proceed and he would recommend that this be tabled until they get some more information.

Chair Hansen said that's a good comment, and he would agree that if it's public, what they have there now, two access areas and that's three and that would give plenty of room for access in and out especially if they have a lot of clientele, if it's just for homeowners than one would be sufficient.

Rob Scott said that this is an issue for the Fire Marshal, and unfortunately they don't have a recommendation from them so we need to communicate with them and if they are satisfied that a 24 foot wide width is sufficient then they would certainly tell us. What they could potentially do with that one on the north side, could leave an easement there or could end up being a fire access or something along those lines. This is a preliminary so one of the things that you could do, is you could continue it as you talked about or possibly approve it subject to the Fire Marshal's stipulations.

Commissioner Judkins asked if this area that is being maintained as open space, is not part of this HOA and he's still gaining commercial benefit off of that property. Mr. Morris replied our ordinance would not allow this to be maintained by something other than ownership when it's a common ownership like this. It's a benefit for those and it would be required to be maintained HOA and owned by the HOA. Their option is still there it's just unclear whether or not the HOA would be allow that to be kind of a public open space or a public park obviously more than a soccer field.

Commissioner Judkins said he was looking at that, he has his riding stables, he uses that for that arena area, and if that continues and it is something that the people are renting board and stuff on their horses and the stalls are using that, does that open up a liability to those people in the HOA. Mr. Morris replied so you think if the HOA decided that they would want to rent it, not sure what kind of liability that would go on. That would need to be part of this approval,

when Reeves and Associates break down their bonus density, they did put one in there for public access 15%, and he recalled now that was something that he didn't want in the previous staff report that came to you on July 13, 2010 and was actually not included. There was only two items the 15% bonus for cluster subdivision and the Planning Commission determines to meet the intent, and then 10% for open space and access of the minimum required.

Commissioner Favero asked on Exhibit C, on your proposal Lot 11, there are two dwellings on that lot; do those two dwellings meet the lot size requirements? Mr. Morris replied that he didn't believe that one of the is a requirement for a dwelling because the couple live on 3500 West where there were two dwellings and it no longer meets the requirement for a home and they've taken out the kitchen and have it not turn into a home which is essential an accessory building at that point.

Commissioner Meibos said that we need answers as to what he intends to do with those buildings so she agrees with Commissioner Parke that this needs to be tabled so that the applicant can come and talk to us. She is also wondering about fire hydrants. Mr. Morris replied the fire hydrants is something that you wouldn't be able to dictate where those are, the Fire Marshal reviews those and stamps those on the plat as far as what their requirements are.

MOTION: Commissioner Parke moved to table this item until they can have the applicant here to obtain more information. Commissioner Borklund seconded that motion. A vote was taken and Chair Hansen said the motion carried with all members present voting aye. Motion Carried (7-0)

Rob Scott asked for clarification, your main concern is access. Chair Hansen replied that he has two main issues, one being access whether they need one or two for safety and the other is this a commercial enterprise or not. He would like some additional information from the Fire and Engineer to make sure these 24 feet seems to be appropriate.

4. **Public Comments:** No public comments.
5. **Planning Commissioner's Remarks:** Commissioner Parke would like to express his concern with the economy starting to improve and he would like for them to get back to the cluster subdivision ordinance before they have another Saddleback Estates presented to them. He would like to see that moved up on their calendar if they could. Mr. Scott replied as soon as we get through this Agri-Tourism Ordinance that is next on the list.
6. **Staff Communications:**
 - 6.1. **Planning Director's Report:** No Remarks from Planning Directors report.
 - 6.2. **Legal Counsel's Remarks:** No Legal Counsels Remarks.

Adjourn: Adjourn to the County Commission Chambers for a Work Session

7. **Work Session Agenda Items:**

WS.1. **Update & Discussion:** Agri-Tourism

Scott Mendoza said the last time we talked about this was on February 14, we got to Section 46-5 half way through the ordinance on page 6 of 11. At the Ogden Valley Planning Commission meeting that we had a week ago, we had a guest who was concerned about being too restrictive and on our previous meeting this Planning Commission talked about it being there. Commissioner Favero called me and after a discussion he asked him if he would be willing to come to the Ogden Valley Planning Commission meeting where he showed up and did a great job and shed a light on some of these standards. The discussion was very successful while Commissioner Favero was there and even afterwards, your presence was felt.

Scott Mendoza said let's go back to Page 5 of 11, down to the bottom on #7, "Uses and Activities and Products" and we have five standards:

- a. Ogden Valley Planning Commission chose to remove "and products"
The Western Weber Planning Commission agreed to remove "and products"
- b. Ogden Valley Planning Commission completely removed "Item b"
The Western Weber Planning Commission agreed to remove "Item b"
- c. Ogden Valley Planning Commission chose to remove "and products" and removed "roman numeral ii"

- The Western Weber Planning Commission agreed to remove "and products and "Roman Numeral ii"
- d. Ogden Valley Planning Commission agreed with your suggestion to remove "Item d"
The Western Weber Planning Commission agreed to remove "Item d"
- e. Ogden Valley Planning Commission agreed with your suggestion that there could be an exception to include "agricultural equipment that can be sold" and he will make that more clear.
The Western Weber Planning Commission agreed to include the "agricultural equipment" and make it clearer by adding "the sale of motorized vehicles and agriculture equipment is prohibited with a Special Event Permit.

46-5 Agricultural Operation Designation: There were no changes here.

46-6 Permitted Uses/Activities Table: Page 7 of 11

Page 7 of 11: Uses/Activities: Ogden Valley Planning Commission has suggested coming up with new terms for Bed & Breakfast (B&B) and define them:

B&B Dwelling (2 Rooms) New Term
B&B Hotel (20 Rooms) New Term and limiting to 12 rooms.
B&B Inn (7 Rooms) New Term

The Western Weber Planning Commission suggested combining B&B Dwelling and B&B Inn since they have the same categories into one. They were okay with having a 12 Room in on a 20-40 medium farm acre parcel.
Glamping: The Ogden Valley Planning Commission suggested taking this down to a medium farm and the Western Weber Planning Commission agreed with them on that.
Health Farm: This has limited to 12 rooms and taking this down to a medium farm and the Ogden Valley wanted that to be limited. The Western Weber Planning Commission agreed with them on that.

Scott Mendoza suggested looking through those uses and if you wouldn't mind studying this a bit and there is plenty of time.

Agriculturally Related Uses/Activities:

Community Garden/Rent-A-Row: The Ogden Valley Planning Commission asked that this be taken down to 5-10 Acre
The Western Weber Planning Commission suggested that this could be taken down to 3-5 Acres
Corn Maze: The Western Weber Planning Commission suggested that this could be brought down to 10-20 Acres (Small Farm)
Petty Farm/Zoo: The Western Weber Planning Commission suggested that this could be brought down to 3-5 Acres
Special Occasion Agri-Tourism: The Western Weber Planning Commission suggested that this could be brought down to (10-20 Acres) Small Farm.

Non-Agriculturally Related Uses/Activities:

Gift Shop: This can be done on (3-5 Acres)
Value Added (Product/Processing): This can be done on (3-5 Acres)

46-7 Use/Activity Standards and Limitations: All the underlined text is new, throughout this section, is limiting the number of these uses, and imposing some setbacks.

1. Farm Stay (Residential and Overnight Accommodation) Uses/Activities:

- d. Glamping: Limited the number of tents, its one tent per five acres, and the Ogden Valley agreed to that. On Glamping they are regulating the density of the tents.
f. Conference/Education Center: Limit the number of rooms in a conference in this section of the Agri-Tourism section. This can be on a (40-80 Acres) and the Ogden Valley Planning Commission suggested that this be limited to 20 rooms maximum. The Western Weber Planning Commission agreed with them on that.

Minutes of the Western Weber County Planning Commission held April 10, 2012, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Roll Call.

Present: Doug Hansen, Chair; Brenda Meibos; Andrew Favero; Janette Borklund; Ryan Judkins; John Parke

Excused/Absent: Wayne Andreotti

Staff Present: Robert Scott, Planning Director; Jim Gentry, Asst Planning Director; Justin Morris, Planner; Kary Serrano, Secretary

Pledge of Allegiance

Roll Call:

1. **Minutes:** Approval of the March 13, 2012 meeting minutes

MOTION: Chair Hansen declared the March 13, 2012 be tabled so corrections can be made and have them approved at the next meeting.

2. **Consent Agenda:**

- 2.1. **LVR030912:** Consideration and action for final approval of Rock Subdivision (2 Lots) and a request for a deferral of curb, gutter, and sidewalk; and the vacation of Lot 60 of Woodland Estates Subdivision Unit #3 located within the Residential Estates RE Zone located at approximately 2714 Bonneville Terrace Drive (Rock Allen, Applicant)

MOTION: Commissioner Parke moved to approve consent agenda item LVR030912. Commissioner Borklund seconded the motion. A vote was taken and Chair Hansen said the motion carried with all members present voting aye. Motion Carried (6-0)

3. **Public Comments:** No Public Comments

4. **Planning Commissioner's Remarks:** No Planning Commissioners Remarks

5. **Staff Communications:**

- 5.1. **Planning Director's Report:** Rob Scott said they are making good progress on the Agri-Tourism Ordinance and they hoping to have a draft that you can consider this next month. They are getting lots of positive comments from various outside individuals even though they have not put this out for public consumption but they are hoping to do that soon. Hopefully they will have some good constructive criticism and see where that takes us. The group Agri-Utah, the one in Davis has been very persistent and positive with interaction with our staff and Commissioner Gibson as well. Chair Hansen said that they had received a link to the article about Agri-Tourism and he thought that was very complementary to the Planning Commission, the County, and what we are doing, it seems that we are moving ahead of everyone else.

Rob Scott said The West Davis EIS Project; he sends them those updates as he gets them. It seems that the focus they have right now is really on Davis County alignment down through Syracuse area on up north through the Weber boundary. Once they get some of that figured out; they will end up with a better idea as to how it's going to impact us. At this point it's probably going to impact Hooper and West Haven more than it will us as we continue to stress to them we want our options preserved as far as being able to extend North Legacy out west as per our general plan. The APA National Conference is this weekend and a couple days of next week. Commissioner Borklund, a couple of staff members, and a Planning Commissioner from the Ogden Valley will be going as well and will report back to you on the conference. Lots of projects going on right now and several ordinances hopefully will be taken care of in the near future, and we can move on to some of the ones we would really like to work with like the Cluster Subdivision Ordinance.

- 5.2. **Legal Counsel's Remarks:** No Legal Counsels Remarks

Adjourn:

Adjourn for a Work Session

6. Work Session Agenda Items:**WS.1. ZTA2012-04:** Presentation of the Weber County Zoning Ordinance Agricultural A-1, A-2 and A-3 Zones

Jim Gentry said they are trying to clarify the ordinances and one changes in the A-1, A-2, and A-3 chapters is if the use requires five acres, it's all under one title, "uses requiring 40,000 sq. ft."; therefore they separated it by minimum acreage. There is not a lot of new things that were added to the ordinance, just mainly clarification. Weber County has a definition of an agricultural parcel, which is five acres, so anything less than five acres is usually a residential lot. Except there are a few uses such as corralling animals, pasturing or grazing animals, or row crops and a vegetable stand, that you could still do on smaller acreage without having a house. They are doing that to try to protect subdivisions and neighborhoods with those smaller lots so you don't get big agricultural operations on smaller parcels.

We've added new definitions:

Agriculture: Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, no any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.

- The Planning Commission were comfortable with the definition of agriculture.

Animals (large): An animal larger than the largest breed of dogs. This term includes horses, cows, llamas, and other mammals customarily kept in corrals or stables.

- The Planning Commission suggested since there are really large breeds of dogs they should reword it and define it more like typical farm animals to include sheep, goats, and miniature horses. It was also suggested that animal unit could be used as part of the definition as indicated by the state; for example a cow is one animal unit, a sheep and two lambs is an animal unit, etc.

Agricultural building: A structure designed and constructed to store farm implements or hay, grain, poultry, livestock, fruit, and other agricultural products. Controlled atmosphere and cold storage warehouses are not agricultural buildings. An agricultural building shall not be used for human habitation, processing, treating, packaging agricultural products, or as a place used by the public.

- The Planning Commission suggested that this needed to be reworked.

Crop production: Agricultural field and orchard uses including production of field crops, flowers and seeds, fruits, grains, melons, ornamental crops, trees, and vegetables not involving a permanent structure.

- The Planning Commission suggested adding sod as part of crop production.

Mobile butcher: A butcher who operates a mobile slaughtering truck the goes to residents and farms and does on-site slaughtering and custom cutting of animals, including packaging.

- The Planning Commission said they do have this use in the county and they were comfortable with this definition.

Grazing: Any open land area used to pasture livestock on growing herbage or on dead grass or other dead herbage existing in the place where grown, as the principal subsistence of the livestock so grazed.

- The Planning Commission suggested that definition needed to be reworked

Chair Hansen replied that he would like to compliment Mr. Gentry for his courage to tackle this, and it's a real challenge. Maybe the Planning Commission can develop something that would preserve what they want and still make it sensible.

Rob Scott said he wanted to apologize to Commissioner Parke and Commission Borklund; for not saying this earlier today, the County Commission reappointed them and Mr. Scott thanked them for their help and continuing participation.

Chair Hansen indicated that he will continue to work on this ordinance as he believes it's a good challenge and something that they can be proud of.

WS.2. Adjourn: The meeting was adjourned at 6:00 p.m.

Respectfully Submitted,



Kary Serrano, Secretary,
Weber County Planning Commission



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Amendments to the Weber County Zoning Ordinance Chapter 32 (Signs), Chapter 1 (General Provisions) regarding the provisions for temporary signage including political signs

Agenda Date: Tuesday, May 08, 2012

Applicant: Weber County Planning Staff

File Number: ZTA-2012-04

Property Information

Approximate Address: Not Applicable

Project Area: Not Applicable

Zoning: Not Applicable

Existing Land Use: Not Applicable

Proposed Land Use: Not Applicable

Parcel ID: Not Applicable

Township, Range, Section: Not Applicable

Adjacent Land Use

North:	Not Applicable	South:	Not Applicable
East:	Not Applicable	West:	Not Applicable

Staff Information

Report Presenter: Robert Scott
rscott@co.weber.ut.us
(801) 399-8791

Report Reviewer: SW

Applicable Ordinances

- Weber County Zoning Ordinance Chapter 1 (General Provisions)
- Weber County Zoning Ordinance Chapter 32 (Signs)
- Weber County Zoning Ordinance Chapter 23 (Supplementary and Qualifying Regulations)
- Weber County Zoning Ordinance Chapter 31 (Land Use Permit, Building Permit and Certificate of Occupancy)

Background

The purpose and intent of Chapter 32 is to establish rules and procedures which govern signs in the Western Weber County Township. The Ogden Valley Township has its own sign ordinance Chapter 32-B.

The County Attorney's office has reviewed the sign ordinance and found that there are provisions that need to be remedied.

This proposed amendment to Chapter 32 (Signs) addresses the issues the Attorney's office is concerned about. The proposal does three things, i.e., makes political signs content neutral, places them under the umbrella of temporary signs, and makes adjustments to definitions and other minor changes to be consistent with Chapter 30 (Land Use Permit, Building Permit and Certificate of Occupancy), Chapter 32-B (Ogden Valley Signs), Chapter 23 (Supplementary and Qualifying Regulations), and building and fire codes. Staff researched a number of other jurisdiction's ordinances in making this recommendation.

The following summary identifies the proposed amendments:

Chapter 1 – 6 Definitions

Chapter 1 has a section providing for definitions. There are three definitions to be considered.

The definition for 'sign, construction' is taken from 32-B and placed here.

SIGN, Construction. Construction signs announcing the construction of a building or project naming owners, contractors, subcontractors and architects.

The definition 'sign, political or campaign' is not proposed for amendment. It is shared to provide the context for the remainder of the amendments.

SIGN, POLITICAL OR CAMPAIGN: A temporary sign soliciting support for a person running for public office or a sign defending or objecting to an issue or proposal being placed before the public.

The third definition is that of 'sign, temporary'. Staff is recommending that this definition be modified as shown below:

~~SIGN, TEMPORARY: Temporary signs as regulated by this Ordinance shall include any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials with or without frames, intended to be displayed for a short period of time only.~~

SIGN, TEMPORARY: Any exterior sign, banner, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without light frames, intended to be displayed for a short period of time. Examples of temporary signs include: a grand opening banner; public event banner; political sign, real estate sign; special event sign.

Chapter 32 - Signs

32-2. Definitions. The Chapter 32-B language is inserted which explains that sign definitions are found Chapter 1.

32-3 General Provisions (With the insert of 32-2 General Provisions becomes 32-3)

1. Conformity. This provision is modified to eliminate the duplication from the building codes and make it clear that the requirements for signs must meet the requirements of this chapter.
11. Permit Required. This general standard is modified to make it clear that a land use permit is required.
12. Refusal of Owner to Remove Dangerous Signs. The process for applying liens has been updated to reflect current practice. The County Treasurer and County Clerk have been deleted since they are not involved in this process.
13. Removal of Conforming Signs. This modification changes the responsibility of sign removal from the Chief Building Official to the County to make it consistent with Chapter 30 (Land Use Permit, Building Permit and Certificate of Occupancy).
14. Removal of Nonconforming Signs. This is the same justification as found in 13 above.
15. Sign Inspection. This is being deleted. It is an unnecessary provision since the building codes already provide for sign inspection.
16. Sign Site Triangle. This is being deleted. Chapter 23 provides for this standard.
17. Sign Not to Cover Window, Doors, or Similar Openings. This is being deleted. These provisions are already in the fire and building codes.
19. Sign on Public Property. An amendment clarifying when these are allowed is referenced in section 32-4 Special Provisions.
23. Violations a Misdemeanor. The Zoning ordinance has a provision for violations. This provision is out of date.

32-4. Special Provisions (With the insert of 32-3 General Provisions this becomes 32-4)

3. Special Event Banner and Special Event Direction Signs. This provision identifies that special event banner and special event direction signs are allowed for public and special events.
6. Political or Campaign Signs. This section is being deleted and replaced by section 6 Temporary Signs.
6. Temporary Signs. A new section that addresses temporary signs is provided.

First, fees are not required for temporary signs.

Second, standards for temporary sign setbacks are given for streets with sidewalks, those without sidewalks, and clear view triangle.

Third, there are three tables provided.

Table C-1 identifies temporary sign types, display periods, and removal requirements for all temporary signs.

Table C-2 relates to agricultural and residential zone standards for the maximum area per sign face, maximum height of the freestanding signs including the support structure, and the number of signs permitted.

Table C-3 relates to commercial and manufacturing zone standards for the maximum area per sign face, maximum height of the freestanding signs including the support structure, and the number of signs permitted.

7. Time Limitation for Construction Project or Land Development Signs. This section is being deleted. The definition for these signs is provided above in Chapter 1-6 Definitions.

8. Public Event Signs. Public event signs are identified as those depicting upcoming community events, e.g., youth soccer sign up.

32-5. Exempt Signs

3. This provision relating to signage for construction project identification is deleted. The provision for this is now included in Chapter 1-6 (Definitions)

Table. The provision for temporary signs is deleted.

Summary of Planning Commission Considerations

- Do the proposed amendments remedy the concerns of County Legal Counsel?
- Are the proposed amendments clear, objective, and reasonable?

Conformance to the General Plan

This is a legislative matter. The draft ordinance is consistent with both General Plans.

Conditions of Approval

Not Applicable

Staff Recommendation

Staff recommends that the Western Weber Planning Commission give feedback upon the draft ordinance. Staff will take the Planning Commission comments and incorporate them into a final draft prior to bringing the recommended ordinance before the Western Weber Planning Commission to make a recommendation to the Weber County Commission.

Exhibits

A. Weber County Zoning Ordinance Chapter 32 (Signs) and Chapter 1 (General Provisions) Proposed Amendments

Chapter 1 GENERAL PROVISIONS

1-6 Definitions

SIGN, Construction. Construction signs announcing the construction of a building or project naming owners, contractors, subcontractors and architects.

SIGN, POLITICAL OR CAMPAIGN: A temporary sign soliciting support for a person running for public office or a sign defending or objecting to an issue or proposal being placed before the public.

~~SIGN, TEMPORARY: Temporary signs as regulated by this Ordinance shall include any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials with or without frames, intended to be displayed for a short period of time only.~~

SIGN, TEMPORARY: Any exterior sign, banner, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without light frames, intended to be displayed for a short period of time. Examples of temporary signs include: a grand opening banner; public event banner; political sign, real estate sign; special event sign.

Chapter 32 SIGNS

32-2 Definitions

Certain words, phrases, terms and concepts used in this Section are defined in Chapter 1-6, Definitions.

32-23 General Provisions

1. **Conformity and Safety.** ~~If a sign does not conform with the requirements of this Chapter or if the construction, design, manner of use or method of anchoring or supporting any sign makes such sign unsafe, the Chief Building Official shall proceed in any manner he deems necessary to cause the removal of the sign or the rebuilding of a sign to conform with the requirements of this Chapter or to remedy the defect herein. All signs must meet the requirements of the Uniform Building Code and Safety Regulations of the County.~~ this Chapter.
2. **Clearance.** There shall be a minimum clearance of ten (10) feet between the ground or sidewalk and any part of projecting sign, with the exception of public necessity signs and nameplates.
3. **Copy Area.** Copy area of a building facade signs or multiple copy signs shall not exceed forty percent (40%) of the background facing to which it is applied.
4. **Height of Signs.** No sign shall exceed the height limitations established for each zone as set forth in this Chapter.
5. **Lighting of Signs.** Signs may be illuminated by indirect lighting, floodlights, or luminous tubes only. No lighting shall be installed in any way which will permit direct rays of such light to penetrate onto any adjoining property used for residential purposes, or in any manner constituting a nuisance. Animated signs are prohibited except as expressly provided herein.
6. **Location of Signs.** No part of any sign shall be permitted to extend across any property line or located in any required front or side yard except as follows:
 1. Business and identification signs attached to a building may project into a required front or side yard not more than six (6) feet and not less than ten (10) feet above the ground or sidewalk.

2. Ground business signs, including all portable types signs for conforming uses only, shall not be located closer than ten (10) feet to a front or side property line for that portion of the sign lower than ten (10) feet and not closer than three (3) feet for that portion of the sign greater than ten (10) feet in height.
3. Property identification signs shall not be located closer than ten (10) feet to any property line.
4. Nameplates may be located anywhere on the property.
7. **Maintenance of Signs.** Signs regulated by this Chapter shall be maintained in good visual appearance and structural condition at all times. The County and its agents shall in no way be liable for negligence or failure of the owner or the person responsible for maintaining any sign, to keep such sign in good condition, or be responsible for any damage caused by defective conditions.
8. **Misleading, Fraudulent, Obscene, Immoral, Indecent or Signs of Unsightly Character Prohibited.** No sign shall be erected or maintained, or be permitted to remain publicly displayed which are a misleading, fraudulent, obscene, immoral, indecent, of unsightly character.
9. **Noise Prohibited.** It shall be unlawful to use in connection with any sign or to use for advertising purposes any radio, phonograph, whistle, bell or any other sound or noisemaking or transmitting device or instrument for the purpose of commercial advertising.
10. **Painting, Pasting, Gluing Prohibited.** No sign shall be painted, pasted or glued directly on any wall or roof or affixed directly to any wall or roof by means of any similar adhesive substance. No paper or cloth sign shall be tacked directly on any wall or roof.
11. **Permit Required.** It shall be unlawful to erect or maintain or remodel any sign upon or over public or private property, with the County until a land use permit sign permit with respect to such sign has been obtained. ~~from the Chief Building Official. The Chief Building Official may at his discretion request the Planning Commission to review a sign application.~~
12. **Refusal of Owner to Remove Dangerous Signs.** Removal by Chief Building Official. Where immediate action is deemed necessary to protect, limb, life or property and where the owner of a sign or the owner of the property on which the sign is erected fails to remove such sign pursuant to notice from the Chief Building Official within a specified time fixed in such notice, the Chief Building Official may proceed in any manner deemed necessary to cause the immediate removal of such sign. The Chief Building Official shall certify a statement of the expenses incurred in such removal. ~~to the County Treasurer, who in turn shall assess and charge the same against the real estate upon which the sign was erected, and Unless said assessment is paid within ninety (90) days after and from the date of notice thereof the same shall, when recorded in the offices of the County Clerk, become a lien upon the real estate whereon the sign is erected and collectible in the same manner as general taxes.~~
13. **Removal of Conforming Signs.** Any person occupying a building or portion of a building, who owns or maintains a sign in connection therewith shall, upon vacating the premises, or discontinuing the business advertises, cause the sign to be removed. Any person who owns and maintains a sign which is maintained for the benefit of another person who occupies a building or part of a building whereon the sign is located shall cause the sign to be removed if the person for whom the sign is maintained vacates the premises. Failure of the owner of the sign or of the person responsible for maintaining same to remove the sign within thirty (30) days after notice from the County Chief Building Official shall be considered as a violation of this Chapter and shall subject the owner of the sign and the owner of the property to the penalties herein.
14. **Removal of Nonconforming Signs.**
1. Any sign not in conformance with the provisions of this Chapter and which was erected or installed without a permit, shall be removed within thirty (30) days upon notification from the ~~Chief Building Official~~ County.
2. Signs for which permits were previously issued and which are made nonconforming by the provisions of this Chapter shall be permitted to remain in accordance with Section 7.

- Under no circumstances shall such nonconforming signs be remodeled or replaced. The provisions of Section 2.12 shall apply to such nonconforming signs.
3. Any existing sign, conforming to the provisions of this Chapter relative to size and location, but nonconforming to structure requirements shall be removed or replaced within one (1) year upon written notice from the County. However, if they are deemed to be a hazard or more than fifty percent (50%) damaged, they shall be removed or repaired in accordance with the structural requirements of this Chapter, within ten (10) days after receiving notice from the County.
 4. Any sign on a building determined to be abandoned shall be removed within thirty (30) days of notification ~~from the County by the Chief Building Official~~ to the property owner and/or owner of the business advertisement and/or owner of the sign.
15. **Sign Inspection.** ~~The Chief Building Official shall inspect each sign for which a permit has been issued and shall require the property maintenance of all signs subject to the provisions of this Chapter.~~
16. **Sign Site Triangle.** ~~No sign or other advertising structure less than ten (10) feet in height, as regulated by this code shall be located on a corner lot at the intersection of any streets within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street line.~~
17. **Sign Not to Cover Windows, Doors, or Similar Openings.** ~~No sign shall cover a window, doorway or other opening providing light ventilation or exit facilities which are required by the Building Code or which are deemed by the Fire Department to be necessary to give the Fire Department access to the building or to afford the fire protection in the event of a fire; provided however, that flat signs, wall signs, cloth signs and projecting signs shall be permitted to cover transom.~~
18. **Sign on Private Property.** It shall be unlawful for any person to fasten or attach, paint or place any sign as defined in this Chapter upon any private wall, window, door, gate, fence or sign or upon any other personal property without the consent of the owner, or lessee, or someone authorized to act on behalf of such owner or lessee.
19. **Sign on Public Property.** It shall be unlawful for any person to fasten or attach, paint or place any sign, handbill, poster, advertisement or notice of any kind or sort, whether political or otherwise or to cause the same to be done in or upon the curbstone, lamp post, telephone pole, electric light or power pole, hydrant, bridge or tree, or in or upon any portion of any sidewalk or street. It shall be unlawful to paste, place, paint or attach any sign defined in this Chapter on any building, street or property of the County. No sign shall be erected on or project over public property, except as permitted in Section 32-4 Special Provisions.
20. **Sign Over Street Prohibited.** It shall be unlawful to erect and/or maintain any sign over any street or alley, except as herein expressly provided.
21. **Sign Setback.** For purposes of this Chapter, the entire sign must comply with the specified setback regulations.
22. **Signs, Zones Permitted and Controls.** It is unlawful for any person to erect or otherwise install a sign having a size or height greater than allowed in this Chapter. It is unlawful for any person to erect or otherwise install a sign located on a site or in a zone in violation of the regulations specified in Section 8.
23. **Violations a Misdemeanor.** ~~Any person who shall fail to comply with or shall violate any of the provisions of this Chapter, or any rules or regulations promulgated hereunder shall be deemed guilty of a misdemeanor and shall be punished as provided in State Code, by a fine of not more than \$299 or by imprisonment for not more than sixty (60) days, or by both such fine and imprisonment. The penalty provided herein shall be in addition to any suspension or revocation of any license or permit issued hereunder.~~

32-34 Special Provisions

3. ~~Cloth Signs.~~ Special Event Banner and Special Event Direction Signs. Permits may be issued by the Chief Building Official upon approval by the County Commission for hanging of display banners or other cloth decorations for special occasions, ~~such as e.g.,~~ religious, charitable, civic, or festive occurrences, ~~or for the Christmas decorations~~ or in celebration of some event of religious, national, state or civic significance or in honor of a visit from a person or persons of note. ~~It is specifically prohibited to incorporate in any such decorations any political advertising or advertising of a commercial nature.~~ The Chief Building Official Public event banner signs may permit such signs to be hung over public streets or on walks after proper approval. Permits issued pursuant to this paragraph may be issued without charge of any fee, but shall specify a period of time, ~~not to exceed fifteen (15) days during which such signs shall be permitted to be used.~~ Special event directional signs are allowed for public and special events.

~~6. Political or Campaign Signs.~~ Political or campaign signs are permitted in accordance with the following provisions provided that any such sign shall be erected not earlier than sixty (60) days prior to the election at which time the candidates or measure will be voted upon and shall be removed within fifteen (15) days after such election, campaign or event.

- ~~1. In any residential zone, there is permitted not more than one stationary unlighted temporary sign on any lot or contiguous parcels of land under one ownership on behalf of candidates for public office or questions on the ballot, provided that any such sign shall not exceed six (6) feet in height or six (6) square feet in area. If attached, such sign shall not exceed the height of the eaves line of the building.~~
- ~~2. In a commercial zone, there is permitted one or more temporary signs on a lot on behalf of a candidate for public office, or of a question on the ballot or announcing a campaign, drive or event of a civic, philanthropic, educational, or religious organization, provided that:~~
 - ~~1. The total of such sign or signs on any lot shall not exceed sixty-five (65) square feet, except that larger signs may be placed upon any legally existing sign structure. If detached, signs shall not exceed fifteen (15) feet in height, and if attached not more than twenty-five (25) feet in height.~~
 - ~~2. No such sign shall be a roof sign, except upon a legally existing sign structure, and no signs shall be erected in any required yard setback area unless attached to a building.~~

6. Temporary Signs. Temporary signs shall be permitted in accordance with standards set forth below, unless specified otherwise in this ordinance:

a. Fees: Temporary signs are exempt from fees.

b. Setback standards for temporary signs:

1. Signs must be placed behind the sidewalk, including those with grass strips between the street and the sidewalk 5 feet, except for special event banners and special event directional signs.
2. On streets with no sidewalks, signs must be placed behind the curb or pavement 5 feet and not hang into the street; and

3. At intersections, they must be placed beyond the site distance triangle (23-7 Clear View of Intersecting Streets)

c. Additional Standards

Table C-1		
Sign Type	Display Period	Removal Required 3 Days After
Construction Signs	Duration of construction	Completion of construction
Farmers Market	June through October	June through October
Fruit and Vegetable Stand	June through October	June through October
Garage / Yard Sale Sign	3 days prior to event / 4 sales per year (once every 3 months)	End of sale
Grand Openings	One time basis	14 calendar days
Political Sign	No limit	Election / voting day
Public Event Banner (on public property)	30 days prior to the event	End of event
Public Event Sign	30 days prior to the event	End of event
Property / Real Estate Sign	Duration of listing	Closing / lease commencement date
Short Term Vendors	120 days	120 days
Special Event	60 days prior to the event	End of event
Temporary Outdoor Sales	Per state code if applicable or 30 days prior to the event	End of event
Temporary Real Estate Sales Office	Duration of construction	Completion of construction
Temporary Real Estate Sales Office Wall Sign	Duration of construction	Completion of construction

Table C-2

<u>Types of Temporary Signs Permitted in Agricultural and Residential Zones</u>	<u>Maximum Area Per Sign Face</u>	<u>Maximum Height of Freestanding Signs (Includes support structure)</u>	<u>Number of Signs Permitted per Sign Type</u>
<u>Construction Sign</u>	<u>32 square feet</u>	<u>6 feet</u>	<u>1 per street frontage</u>
<u>Farmers Market</u>	<u>32 square feet</u>	<u>10 feet</u>	<u>1 sign per street frontage</u>
<u>Fruit and Vegetable Stand</u>	<u>12 square feet</u>	<u>10 feet</u>	<u>1 per street frontage</u>
<u>Garage / Yard Sale Sign</u>	<u>6 square feet</u>	<u>4 feet</u>	<u>1 per street frontage</u>
<u>Grand Openings</u>	<u>12 square feet banner</u>	<u>6 feet if set in the ground or anywhere on the building</u>	<u>1 per street frontage</u>
<u>Political Sign</u>	<u>16 square feet</u>	<u>6 feet</u>	<u>no limit</u>
<u>Public Event Banner (on public property)</u>	<u>12 square feet</u>	<u>n/a</u>	<u>1 per street frontage</u>
<u>Public Event Sign</u>	<u>4 square feet</u>	<u>3 feet</u>	<u>1 per street frontage</u>
<u>Property / Real Estate Sign</u>	<u>8 square feet</u>	<u>6 feet</u>	<u>1 per street frontage</u>
<u>Special Event</u>	<u>12 square feet onsite</u> <u>6 square feet offsite</u>	<u>6 feet</u>	<u>No limit onsite sign either a ground sign or banner</u> <u>No limit off-premise directional signs</u>
<u>Temporary Real Estate Sales Office</u>	<u>32 square feet</u>	<u>6 feet</u>	<u>1 per street frontage</u>
<u>Temporary Real Estate Sales Office Wall Sign</u>	<u>20 square feet</u>	<u>n/a</u>	<u>1 sign attached to the office</u>

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Table C-3			
<u>Types of Temporary Signs Permitted in Commercial and Manufacturing Zones</u>	<u>Maximum Area Per Sign Face</u>	<u>Maximum Height of Freestanding Signs</u>	<u>Number of Signs Permitted per Sign Type</u>
<u>Construction Sign</u>	<u>64 square feet</u>	<u>12 feet</u>	<u>1 per street frontage</u>
<u>Farmers Market</u>	<u>32 square feet</u>	<u>10 feet</u>	<u>1 per street frontage</u>
<u>Grand Openings</u>	<u>12 square feet banner</u>	<u>6 feet if set in the ground or anywhere on the building</u>	<u>1 per street frontage</u>
<u>Political Sign</u>	<u>32 Square Feet</u>	<u>8 Feet</u>	<u>No limit</u>
<u>Public Event Banner (on public property)</u>	<u>12 square feet</u>	<u>n/a</u>	<u>1 per street frontage</u>
<u>Public Event Sign</u>	<u>6 feet</u>	<u>6 feet</u>	<u>1 per street frontage</u>
<u>Property / Real Estate Sign</u>	<u>64 square feet</u>	<u>12 feet</u>	<u>1 per street frontage</u>
<u>Short Term Vendors</u>	<u>16 square feet</u>	<u>6 feet if set in the ground or anywhere on the building</u>	<u>2 total per frontage, either a ground sign or on vendor trailer, mobile store, tent, or kiosk</u>
<u>Special Event</u>	<u>12 square feet onsite</u> <u>6 square feet offsite</u>	<u>6 feet</u>	<u>No limit onsite sign either a ground sign or banner</u> <u>No limit off-premise directional signs</u>
<u>Temporary Outdoor Sales</u>	<u>16 feet</u>	<u>6 feet if set in the ground or anywhere on the building</u>	<u>2 per street frontage</u>
<u>Temporary Real Estate Sales Office</u>	<u>100 square feet</u>	<u>12 feet</u>	<u>1 per street frontage</u>
<u>Temporary Real Estate Sales Office Wall Sign</u>	<u>20 square feet</u>	<u>n/a</u>	<u>1 sign attached to the office</u>

7. ~~Time Limitation for Construction Project or Land Development Signs.~~ No construction project or land development sign shall be erected more than thirty (30) days prior to construction and shall be removed not more than thirty (30) days after completion.

8. Public Event Signs. Signs depicting upcoming community sponsored events, e.g., youth soccer sign-up.

32-45 Exempt Signs

3. ~~Non-illuminated and non-floodlights flat signs, wall signs, and free standing signs having an area not in excess of thirty-six (36) square feet announcing the destruction or construction or remodeling of a building or announcing the enterprise to be located in a building under~~

212 ~~construction or announcing the name and address of the architect or contractor of the building,~~
213 ~~or the owner thereof, provided that no more than one such sign shall be erected on each street~~
214 ~~frontage and also provided that said signs are not erected more than thirty (30) days prior to~~
215 ~~construction and are removed not more than thirty (30) days after completion.~~